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UNITED

NATIONS

GENERAL

A/54/726

S/2000/59

31 January 2000

ORIGINAL: ENGLISH

GENERAL ASSEMBLY SECURITY COUNCIL

Fifty-fourth session Fifty-fifth year

Agenda item 96

QUESTION OF EAST TIMOR

IDENTICAL LETTERS DATED 31 JANUARY 2000 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE GENERAL ASSEMBLY, THE PRESIDENT OF THE SECURITY COUNCIL AND THE CHAIRPERSON OF THE COMMISSION ON HUMAN RIGHTS

In accordance with Commission on Human Rights resolution 1999/S-4/1 of 27 September 1999, as endorsed by the Economic and Social Council in its decision 1999/293 of 15 November 1999, I established an international commission of inquiry in order to gather and compile systematically information on possible violations of human rights and acts which might constitute breaches of international humanitarian law committed in East Timor since January 1999. I was also requested under that resolution to make the report of the commission of inquiry available to the Security Council, the General Assembly and the Commission on Human Rights.

I have the honour to inform the General Assembly that the International Commission of Inquiry on East Timor, having completed its task, has submitted its report to me, which I am transmitting herewith. The report of the International Commission of Inquiry may be considered in the light of the report of the joint mission of the Special Rapporteurs of the Commission on Human Rights to East Timor (A/54/660), with which the Commission was requested to cooperate. That report is also available to the Assembly.

The thrust of the report and the conclusions of the International Commission of Inquiry are consistent with those of the Special Rapporteurs and with information available through the reports of the United Nations Mission in East Timor (UNAMET) and the United Nations Transitional

Authority in East Timor (UNTAET) and other independent observers.

The Commission stated that the evidence gathered clearly demonstrated a pattern of serious violations in East Timor of fundamental human rights and humanitarian law. As the report indicates, the actions violating human rights and international humanitarian law were directed against a decision of the Security Council and were contrary to the agreements reached by Indonesia with the United Nations to carry out the decision of the Security Council. This fact reinforces the need to hold the perpetrators accountable for their actions. The commission of inquiry has recommended ways of responding to this need.

In facing this challenge, I am encouraged by the commitment shown by President Abdurrahman Wahid to uphold the law and to fully support the investigation and prosecution of the perpetrators through the national investigation process under way in Indonesia. I have also been strongly assured by Foreign Minister Alwi Shihab of the Government's determination that there will be no impunity for those responsible.

As the report indicates, there is a need for conducting further systematic investigations of the violations that took place in East Timor during the period from January 1999. With a view to bringing justice to the people of East Timor, I intend to pursue various avenues to ensure that this task is accomplished adequately, inter alia, by strengthening the capacity of UNTAET to conduct such investigations and enhancing collaboration between UNTAET and the Indonesian Commission of Inquiry into Human Rights Violations in East Timor (KPP-HAM).

The International Commission of Inquiry found that the United Nations and the international community had a particular responsibility to the people of East Timor in connection with investigating the violations, establishing responsibilities, punishing those responsible and promoting reconciliation. I believe the United Nations has an important role to play in this process in order to help safeguard the rights of the people of East Timor, promote reconciliation, ensure future social and political stability and protect the integrity of Security Council actions.

The recommendations of the International Commission of Inquiry on East Timor merit careful consideration. The Security Council, the General Assembly and the Commission on Human Rights may wish to consider the further steps which should be taken. I wish to assure Member States of my firm commitment to cooperate with the intergovernmental process in this important matter. I will closely monitor progress towards a credible response in accordance with international human rights principles.

(Signed) Kofi A. ANNAN

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CENTRO DE INFORMAÇÃO

RUA LATINO COELHO, N.º 1 EDIFÍCIO AVIZ, BLOCO A 1, 10.º

1050-132 LISBOA - PORTUGAL

TEL. 319 07 90 - FAX 352 05 59

INTERNET: WWW. ONUPORTUGAL.PT

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